Appendix C: CMAQ Program Sponsor Eligibility, Requirements, and Project Evaluation Criteria

Part 1: Project Solicitation Overview Information

Sponsors must meet the basic program requirements in the TAP-CMAQ-CRP Guidebook (Guidebook), Chapter 1 (A through G), in addition to the CMAQ specific requirements contained in this Appendix. CMAQ projects must fall into one of the listed program categories and demonstrate an air quality benefit to be eligible for CMAQ program funding.

The CMAQ Program supports surface transportation projects and other related efforts that contribute to air quality improvements and provide congestion relief in areas that are currently classified, or were previously classified, as nonattainment or maintenance for one or more of the pollutants that comprise the National Ambient Air Quality Standards (NAAQS).[1]

To be eligible for this solicitation, only projects located in one or more of the following counties are eligible to receive CMAQ funding under this solicitation:

Region	Counties	MPO
1	Albany, Rensselaer, Saratoga, Schenectady	CDTC
	Greene	N/A
2	Montgomery	N/A
3	Onondaga	SMTC
4	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne	GTC
5	Erie, Niagara	GBNRTC
	Chautauqua	N/A
7	Jefferson	WJCTC
8	Dutchess	PDCTC
9	Schoharie	N/A

Solicitation objectives include:

- The reduction of emissions in air quality non-attainment and maintenance areas.
- The active management of travel demand through promoting and improving energy efficient modes (transit, rideshare, pedestrian and bicycle); and of the operational and emissions performance of the multi-modal (freight and passenger) transportation system through effective congestion management strategies.
- Improvement of engine and fleet emissions performance.
- Provide demonstratable greenhouse gas emission mitigation benefits in Justice40 Communities.

To be considered for funding under CMAQ, all projects must contribute to a reduction in emissions. Applications other than those that install electric charging or hydrogen fueling infrastructure must include a description and estimation of how the proposed project will reduce emissions. Projects that install electric charging or hydrogen fueling infrastructure are exempt by policy from providing an estimate of reduced emissions. There are three strategies for reducing

[1] See http://www.epa.gov/criteria-air-pollutants/naaqs-table

emissions that Sponsors should consider and assess when framing the benefits of their proposed project. They are:

- Reduce the number of single occupant vehicle (SOV) trips on the highway network.
- Reduce idling of vehicles in traffic by improving traffic flow.
- Improve the efficiency in the operation of fleet engines through emissions reducing technology or operating practices.

Eligible Project Types:

CMAQ Project Types	FHWA CMAQ Eligible Activities
Travel Demand Management/Rideshare	• Rideshare programs • Park and ride • Employee transit benefits • Planning activities for carsharing, vanpooling and bike-sharing • Education and outreach
Congestion Reduction and Traffic Flow Improvements	• Incident management • Intersection improvements • Signal improvements • Roundabouts • Integrated, interoperable emergency communications equipment • Vehicle to infrastructure equipment • Intelligent Transportation System (ITS) expansion/deployment
Transit Improvements	• Transit service expansion • Park-and-ride • Employee transit benefits
Freight Intermodal Projects	• Intermodal freight facilities and programs
Pedestrian Bicycle	• Pedestrian and bicycle paths (that are not solely for recreation) • Capital Costs associated with bike infrastructure
Alternate Fuel and Clean Vehicle	• Hydrogen or other alternative fuel re-fueling infrastructure • Electric vehicle charging stations

With the exemption noted above, for each submitted CMAQ project, the Sponsor must complete and upload the "CMAQ Technical Benefits Worksheet" in Grants Gateway. Instructions for entering data into the worksheet are in the Guidebook Application Instructions (Appendix F). Supplied information will be analyzed by NYSDOT using its CMAQtraq tool to calculate the estimated emission reductions for each project Application, and to assess the eligibility and merits of each application.[2]

Program guidance for this solicitation, outlining CMAQ project type category summaries and emissions reduction frameworks, are provided as follows.

[2] NYSDOT calculates the project emissions benefits based on information provided by the applicant. The emission factors will be generated by the NYSDOT's *CMAQtraq* program, based on the United States Environmental Protection Agency (USEPA) Motor Vehicle Emissions Simulator Model (MOVES).

Appendix C: CMAQ Program Sponsor Eligibility, Requirements, and Project Evaluation Criteria

Travel Demand Management (TDM) /Rideshare

This category includes projects, programs or initiatives that are intended to reduce emissions by diverting SOV travel to more energy efficient modes or to less congested times of day. Strategies that are applied may include traveler information and assistance, employer or public education and outreach regarding alternative modes or congestion avoidance, incentives for efficient travel, or supportive infrastructure such as park and rides.

Emissions Reduction Framework: TDM/rideshare programs support the reduction of emissions by diverting SOV trips to more efficient modes such as rideshare, carpool, transit, bicycle, pedestrian, or telecommuting.

Congestion Reduction and Traffic Flow Improvements

This category includes transportation system operational activities and strategies, as well as infrastructure investments intended to reduce congestion and increase multimodal transportation network reliability.

Emissions Reduction Framework: Congestion reduction and traffic flow projects support the reduction of emissions by reducing delay and idling associated with recurring and non-recurring bottlenecks.

Transit Improvements

New York State provides unparalleled levels of operating assistance to support public transportation. Transit improvement projects that leverage this investment to increase ridership and divert SOVs may include three (3) (and in some cases, up to five (5)) years (see p. C-14 for more information) of operating assistance for new transit services. Sponsors should be prepared to fund operating costs and should identify the anticipated source of funds to cover operating expenditures after this time. Capital investments in transit vehicles, facilities or amenities or promotion of transit services or incentives are also eligible.

Emissions Reduction Framework: Transit improvements support the reduction of emissions by diverting SOV trips to transit. Sponsors will need to document assumptions regarding the number and mileage of SOV trips diverted. Any additional transit vehicle activity (number of additional vehicle miles of travel and speed of those vehicles) emissions offsets (increases) also must be included in the analysis when applicable. The transit project must have a net emissions benefit to be eligible for CMAQ funding.

Freight Intermodal Projects

This category includes infrastructure projects, operational strategies, and planning for clean vehicle/alternate fuel programs oriented toward reducing emissions related to freight transportation/goods movement.

Emissions Reduction Framework: The three emission reduction strategies that apply to freight projects are:

- Intermodal projects that divert truck miles to more energy efficient modes.
- Traffic flow investments that eliminate freight bottlenecks.

- Planning for clean engine and alternative fuel fleet programs that directly reduce emissions.

The CMAQ technical benefits worksheet provides a table to document assumptions regarding these factors as they pertain to freight intermodal projects. Follow the application Instructions, Appendix F, to complete this table.

Pedestrian Bicycle

This project category includes programs or initiatives that are intended to reduce emissions by diverting SOV travel to walking or biking. This may include new infrastructure such as trails, connections or gap filling of existing pedestrian and bicycle networks, or travel information promoting walking and biking.

Pedestrian and bicycle infrastructure is an eligible activity under CMAQ, TAP and CRP. However, to be eligible for the CMAQ program, the project must meet additional requirements relating to emissions reduction. Within the CMAQ program, pedestrian and bicycle projects will be competing with other project types described in this solicitation for funding in part based upon their contribution to emissions reduction. To be eligible for CMAQ funding, proposed bicycle and pedestrian facilities must not be exclusively recreational, that is, they must be designed to reduce non-recreational vehicle trips.

Emissions Reduction Framework: Pedestrian and bicycle projects support the reduction of emissions by diverting SOV trips to walking or biking.

Alternate Fuel and Clean Vehicle

This category includes projects and programs that are intended to reduce emissions from transit buses and the deployment of alternative fueling stations or electric charging stations. Projects that install electric vehicle chargers or hydrogen fueling facilities are exempt from submitting the CMAQ Technical Benefits Worksheet with their application.

Electric Vehicle (EV) Charging Stations

Applicants interested in funding electric vehicle charging stations should be aware that a recent FHWA regulation mandates a set of minimum requirements that FHWA funded (including CMAQ and CRP) must meet. The scope of the requirements are tied to build-out of New York State's FHWA Designated Electric Vehicle Charging Corridors[3]. As the build-out of the corridors is not expected within the timeframe of this solicitation, the minimum requirements for CMAQ and CRP funded EV chargers are:

- For stations located and along a designated EV corridor, each Direct Current Fast Charging (DCFC) station must have a minimum of four chargers each capable of providing 150kwh while in simultaneous operation.
- For stations not located along a designated EV corridor, there must be at least four chargers capable of charging four vehicles simultaneously. The four chargers may be a mix of DCFC and Level 2 chargers.

[3] See https://www.nyserda.ny.gov/All-Programs/ChargeNY/Charge-Electric/Charging-Station-Programs/National-Electric-Vehicle-Infrastructure-Program

- For DCFC chargers, each port must have at least one Combined Charging System (CCS) plug.
- Each charger must comply with a 97% uptime standard.
- The charger must be open to the public.
- There are also required data collection, reporting and payment regulations.

Additional details on station requirements may be found at:

- Webinars – Joint Office of Energy and Transportation (https://driveelectric.gov/webinars/#minimum-standards-webinars)
- 23 CFR Part 680 (https://www.govinfo.gov/content/pkg/FR-2023-02-28/pdf/2023-03500.pdf)

In addition to the minimum station requirements, CMAQ and CRP awardees will be required to follow FHWA's Buy America requirements for EV chargers. These requirements may be found at: https://www.govinfo.gov/content/pkg/FR-2023-02-21/pdf/2023-03498.pdf

Part 2: Project Eligibility Guidelines: General Conditions

Project Location:

The project must be in one or more of the designated counties to be considered for funding under this[4] CMAQ solicitation (See page C-1).

Project Eligibility Requirements:

To be considered for CMAQ funding opportunities, projects must:

- Be a transportation project.
- **Generate an emissions reduction.**
- Be located in or benefit an air quality nonattainment or maintenance area.[5]

CMAQ Program Funds May Not Be Used For:

1. Routine maintenance and rehabilitation projects (e.g., replacement-in-kind of railroad track or other equipment, reconstruction of bridges, stations, and other facilities, and repaving or repairing roads). These are considered capital investments that maintain an existing condition, and therefore do not reduce emissions.
2. Routine preventive maintenance for transit vehicles as it only returns the vehicles to baseline conditions.
3. Routine replacement of on-road construction and maintenance vehicles.
4. General studies that fall outside specific project development, e.g., major investment studies, commuter preference studies, modal market polls or surveys, transit master plans, and others.
5. Light-duty vehicle scrappage programs.

[4] The CMAQ solicitation for projects in Bronx, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties is handled by the New York Metropolitan Transportation Council. The CMAQ solicitation for projects in Orange County is handled by the Orange County Transportation Council.

[5] For more information about Clean Air Act nonattainment and maintenance areas, refer to https://www.epa.gov/green-book

6. Projects that add new capacity for SOVs, unless construction is limited to high-occupancy vehicle (HOV) lanes.
7. Administrative costs e.g., support for a State's "CMAQ Project Management Office" or litigation costs associated with the program or other federal aid projects.
8. Projects that do not meet the specific eligibility requirements of United States Code Titles 23 (Highways) and 49 (Transportation).
9. Stand-alone projects to purchase fuel. Aside from fuel acquisitions that are part of a transit operating support effort, stand-alone purchase of any fuel, alternative or otherwise, is not an eligible CMAQ cost.
10. Acquisition, operation, or development of models or monitoring networks, which include, but are not limited to, traffic operations, travel demand or other related variables that do not directly lead to an emissions reduction.
11. Marginal projects that support freight operations in a very tangential manner are not eligible for CMAQ funding. Warehouse handling equipment, for example, is not an eligible investment of program funds. Warehouses, themselves, or other similar structures, such as transit sheds, bulk silos or other permanent, non-mobile facilities that function more as storage resources are not eligible.
12. Salaries for administration, maintenance costs, and other items akin to operational support for bicycle and pedestrian programs.
13. Construction of telecommuting centers and computer and office equipment purchases are not eligible for CMAQ funds.
14. A project to buy or lease vans that would directly compete with or impede private sector initiatives. Consultation with the private sector prior to using CMAQ funds to purchase vans is required. If private firms have definite plans to provide adequate vanpool service, CMAQ funds will not be approved to supplant that service.
15. More than five (5) years of operating assistance for new transit services.

Eligible Projects – Detailed Information

Project types eligible for CMAQ funding include:

1. Congestion Reduction & Traffic Flow Improvements

Eligible projects include:

- Traditional traffic flow improvements, which demonstrate net emissions benefits through congestion relief, including:
    - Construction of roundabouts.
    - HOV lanes.
    - Left-turn or other managed lanes.

- Intelligent Transportation Systems (ITS), including traffic signal synchronization projects, traffic management projects, and traveler information systems, that are effective in relieving traffic congestion, enhancing transit bus performance, and improving air quality. Projects with the greatest potential for improving air quality include:
    - Regional multimodal traveler information systems.
    - Traffic signal control systems.
    - Freeway management systems.
    - Electronic toll-collection systems.

  - Transit management systems.
  - Incident management systems.

- Transportation Management Centers (TMCs) or Traffic Operations Centers that can be shown to produce air quality benefits, and whose expenses are incurred from new or additional capacity. The operating assistance limits discussed on page C-14 in this Appendix apply.

2. Freight Improvements

Eligible projects and programs include those that target freight capital costs for ground infrastructure if air quality benefits can be demonstrated. Freight projects that aim to reduce net emissions.

Projects reduce emissions through modifications or additions to infrastructure and the ensuing modal shift. Support for an intermodal container transfer facility may be eligible if the project demonstrates lower diesel engine emissions when balancing the reduced truck VMT against the increase in locomotive or other non-highway activity.

Intermodal facilities, such as inland transshipment ports or near/on-dock rail, may generate substantial emissions reductions through the decrease in miles traveled for older, higher-polluting heavy-duty diesel trucks. This secondary, indirect effect on truck traffic and the ensuing drop in diesel emissions help demonstrate eligibility. Operating assistance for new freight efficiency operations would be limited to three to five years as per the guidance on Pages C-12 and C-13.

3. Transit Improvements

Generally, transit project eligibility for funding is determined by whether the project increases transit capacity, resulting in an increase in transit ridership and a potential reduction in single occupant vehicle emissions and traffic congestion. Quantified estimates of the project's emissions benefits must accompany the application.

Eligible projects include:

- New transit facilities (e.g., lines, stations, terminals, transfer facilities associated with new or enhanced public transit, passenger rail, or other similar services).
- Rehabilitation of a facility if the vast majority of the project involves physical improvements that will increase transit service capacity. Supporting documentation must show an expected increase in transit ridership that is more than minimal. If the vast majority of the project involves capacity enhancements, other elements involving refurbishment and replacement-in-kind are also eligible.
- New transit vehicles (bus, rail, or van) to expand the fleet or replace existing vehicles. Transit agencies are encouraged to purchase vehicles that are most cost-effective in reducing emissions. Diesel engine retrofits, such as replacement engines and exhaust after-treatment devices, are eligible if certified or verified by the USEPA or California Air Resources Board (CARB). Other transit equipment may be eligible if it represents a major system-wide upgrade that will significantly improve speed or reliability of transit service, such as advanced signal and communications systems.

- Three to five years of operating assistance, including the purchase of fuel, associated with the introduction or expansion of new or existing transit service.

4. Bicycle and Pedestrian Facilities and Programs

Eligible projects include:

- Constructing bicycle and pedestrian facilities (paths, bike racks, support facilities, etc.) that are not exclusively recreational and reduce vehicle trips.
- Non-construction outreach related to safe bicycle use.

5. Travel Demand Management

Travel Demand Management (TDM) encompasses a diverse set of activities that focus on physical assets and services that provide real-time information on network performance and support better decision-making for travelers choosing modes, times, routes, and locations. These projects can help ease congestion and reduce SOV use, contributing to mobility, while enhancing air quality and saving energy resources. Similar to Intelligent Transportation Systems (ITS) and Value Pricing, today's TDM programs seek to optimize local and regional transportation networks.

Eligible activities must be explicitly aimed at reducing SOV travel and associated emissions, and include:

- Fringe Parking/Park-and-Ride lots
- Traveler information services
- Shuttle services
- Guaranteed ride home programs
- Vanpools
- Carpools and Bikeshare (planning activities only)*
- Traffic calming measures
- Parking pricing
- Variable road pricing
- Telecommuting/Teleworking
- Employer-based commuter choice programs

Funding may support capital expenses and some planning activities (as noted above*). Operating assistance for new or expanded TDM Programs would be limited to three to five years as per the guidance on Pages C-12 and C-13. Marketing and outreach efforts to expand use of TDM measures may be funded indefinitely, but only if they are broken out as distinct line items.

6. Carpooling, Vanpooling, Ridesharing, and Car Sharing

Eligible activities include:

- Carpool/vanpool marketing covers existing, expanded, and new activities designed to increase the use of carpools and vanpools and includes purchase and use of computerized matching software and outreach to employers. Guaranteed ride home programs are also considered marketing tools. Marketing costs may be funded indefinitely.
- Vanpool vehicle capital costs which include purchasing or leasing vehicles for use in vanpool programs. Eligible operating costs (see page C-12) include empty-seat subsidies, maintenance, insurance, administration, and other related expenses.

7. Alternative Fuels and Vehicles

Eligible projects that promote the transit use of electricity and advanced battery technologies can receive funding only to cover the incremental cost of the alternative fuel vehicle or fueling system beyond the cost of an equivalent conventionally fueled vehicle or fueling system. In addition, the provision of publicly accessible electric charging or hydrogen fueling stations are eligible projects.

Eligible projects include:

- Acquisition of battery electric or green hydrogen fueled transit vehicles. Establishing publicly owned fueling facilities and other infrastructure needed to fuel alternative-fuel vehicles, unless privately-owned fueling stations are in place and reasonably accessible. Fueling facilities may provide recharging for electric vehicles, dispense biodiesel, or dispense one or more of the alternative fuels identified in Section 301 of the 1992 Energy Policy Act.
- Converting a private fueling facility to support alternative fuels through a public-private partnership agreement.

Note: CMAQ-funds may only be used to establish or support refueling facilities within the Interstate right of way (ROW) if these services are offered at no charge to the user.

Important Considerations

Emission Benefits

Every effort must be taken to ensure that estimated air quality benefits are credible and based on a reproducible and logical analytical procedure that will yield valid quantitative results of emission reductions. With the exception of projects that install electric chargers or hydrogen fueling infrastructure, applicants must supply the required transportation data inputs that will allow NYSDOT to run the analysis for each project.

For NYSDOT to calculate emissions benefits, specific information must be included in the application based on the project type. The table below describes the inputs required for each eligible project type. These required data elements are specified in detail in the Application Instructions, CMAQ Worksheet Instructions (Appendix G).

CMAQ Benefit Estimate Calculation Required Inputs	
Project Type	**Required data**
Travel Demand Management/ Rideshare	• Number of vehicles affected by project (BEFORE) • Number of vehicles affected by project (AFTER) • Miles per day per vehicle (BEFORE) • Miles per day per vehicle (AFTER) • Days per year the project is anticipated to have an effect • Average speed of vehicles affected by project (BEFORE) • Average speed of vehicles affected by project (AFTER)

Appendix C: CMAQ Program Sponsor Eligibility, Requirements, and Project Evaluation Criteria

CMAQ Benefit Estimate Calculation Required Inputs	
Project Type	**Required data**
Congestion Reduction and Traffic Flow Improvements	• Number of vehicles affected by project (BEFORE) • Number of vehicles affected by project (AFTER) • Miles per day per vehicle (BEFORE) • Miles per day per vehicle (AFTER) • Days per year the project is anticipated to have an effect • Average speed of vehicles affected by project (BEFORE) • Average speed of vehicles affected by project (AFTER)
Transit Improvements	• Number of passenger vehicles affected by project (BEFORE) • Number of passenger vehicles affected by project (AFTER) • Miles per day per passenger vehicle (BEFORE) • Miles per day per passenger vehicle (AFTER) • Days per year of service operation • Number of additional transit buses (if applicable) • Average speed of additional transit buses (if applicable) • Average daily distance each additional bus will travel (if applicable)
Freight Intermodal Improvements	• Number of on-road freight vehicles affected by project (BEFORE) • Number of on-road freight vehicles affected by project (AFTER) • Type(s) of freight vehicles affected by project (e.g. single unit trucks or combination unit trucks) • Fuel Type of Freight Vehicles affected by project (BEFORE) • Fuel Type of Freight Vehicles affected by project (AFTER) • Days per year the project is anticipated to have an effect • Average speed of vehicles affected by project (BEFORE) • Average speed of vehicles affected by project (AFTER) • Hours of idle reduced per vehicle (if applicable) • Applicant supplied emission factors, if applicable (BEFORE) • Applicant supplied emission factors, if applicable (AFTER)
Pedestrian and Bicycle Facilities	• Number of vehicles affected by project (BEFORE) • Number of vehicles affected by project (AFTER) • Miles per day per vehicle (BEFORE) • Miles per day per vehicle (AFTER) • Days per year the project is anticipated to have an effect • Average speed of vehicles affected by project (BEFORE) • Average speed of vehicles affected by project (AFTER)
Pedestrian and Bicycle Facilities (Alternative Method)	• Segment length of roadway associated with project • Average annual daily traffic volume on associated roadway • Average speed of vehicles on associated roadway • Days per year bike lane is expected to be used for non-recreational travel • Percent trips in decimals of vehicle trips less than five miles in length in the project area • Bicycle Diversion Factor: Proportion of short trips (in decimals) anticipated to divert to bicycle mode after project is complete.

CMAQ Benefit Estimate Calculation Required Inputs	
Project Type	**Required data**
Alternative Fuel and Clean Vehicle Projects	• Number of vehicles affected by project (BEFORE) • Number of vehicles affected by project (AFTER) • Fuel Type of vehicles affected by project (BEFORE) • Fuel Type of vehicles affected by project (AFTER) • Miles per day per vehicle (BEFORE) • Miles per day per vehicle (AFTER) • Days per year the project is anticipated to have an effect • Average speed of vehicles affected by project (BEFORE) • Average speed of vehicles affected by project (AFTER) • Type(s) of vehicles affected by project (e.g. single unit trucks or combination unit trucks, etc.) • Hours of idle reduced per vehicle (if applicable) • Applicant supplied emission factors, if applicable (BEFORE) • Applicant supplied emission factors, if applicable (AFTER)

Tips on filling out the CMAQ Technical Benefits Worksheet

The above is used as inputs to the CMAQ Technical Benefits Worksheet to inform NYSDOT's CMAQtrac model to confirm that a proposed project is likely to reduce "criteria" air quality emissions. The CMAQtrac model is based on US Environmental Protection Administration's MOVES model and utilizes the project's "before" and "after" traffic volume, speed, and types of fuel used by vehicles to estimate the amounts of emissions that will result from the project. **All CMAQ funded projects are required to reduce emissions.**

In assessing the impacts of a proposed project and filling out the CMAQ Technical Benefits Worksheet, the applicant should be aware of the following general relationships of changes to the before and after volumes, speeds and fuel types of the vehicles that will be impacted from their proposed project on emission calculations.

- **Increases** to traffic volumes caused by the project, absent any changes to the fuel used by the vehicles or traffic speeds, will increase emissions.
- **Decreases** to speeds, caused by the project and absent any changes to the fuel used by the vehicles, will increase emissions.
- **Increases** to the number of electric and other zero emission vehicles due to the project will decrease emissions
- **Increases** to the miles per vehicle due to the project and absent any changes to speed, traffic volume or fuel type, will increase emissions.

With this in mind, you should understand that certain types of projects may be difficult to qualify for CMAQ's emissions reduction requirement. Examples of these include "complete streets" and "road diet" projects in which the traffic speeds are reduced because of the project. Conversely, projects which are designed to increase walking and/or biking while reducing the volume of gasoline or diesel-powered vehicles as part of the project will likely reduce emissions.

Appendix C: CMAQ Program Sponsor Eligibility, Requirements, and Project Evaluation Criteria

NYSDOT will use the CMAQtraq software program to consistently calculate each project's estimated emission benefits. CMAQtraq enables the calculation of emission benefits using either the pre-loaded CMAQ emission factors or, where necessary, custom emission factors provided by the project sponsor or other source unique to a specific project or program.

Use of CMAQ Program Funds:

Funds awarded through this program may be used for the purposes of:

1. Capital Investment:

- To establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, transit vehicle acquisitions, or other capital projects.

2. Operating Assistance:

- Limited to new transit, commuter and intercity passenger rail services, intermodal facility operations, travel demand management strategies, including traffic management centers, inspection and maintenance programs, and the incremental cost of expanding these services.
    - Intended to start up viable new transportation services that can demonstrate air quality benefits and cover costs within five years.
    - Other funding sources should supplement and ultimately replace CMAQ funds for operating assistance, as these projects no longer represent additional, net air quality benefits but have become part of the baseline transportation network.

- Includes all costs of providing new transportation services, including, but not limited to, labor, fuel, administrative costs, and maintenance. Non-Federal share requirements still apply. Elements of operating assistance prohibited by statute or regulation are not eligible for CMAQ participation, regardless of their emissions or congestion reduction potential.

- Three years of operating assistance funding may be spread over a longer period, for a total of up to 5 sequential years of support. A Sponsor may propose to spread the third-year amount (an amount not to exceed the greater of year 1 or year 2) across an additional 2 years (i.e., years 4 and 5) to provide an incremental, taper-down approach, while other funding is used for a higher proportion of the operating costs as needed (see below).

Example Allocations of CMAQ Funds for Operating Assistance						
Example	Year 1	Year 2	Year 3	Year 4	Year 5	Total
A	$300	$300	$200	$50	$50	$900
B	$300	$300	$100	$100	$100	$900
C	$100	$400	$200	$100	$100	$900

After the 5-year period, operating costs would have to be maintained with non-CMAQ funding, enabling a transition to more independent system operation. Amounts applied to years 1 and/or 2 are established at the discretion of the State or Sponsor.

3. Planning and Project Development:

Activities in support of other Title 23-eligible projects may also be appropriate for CMAQ investments. All phases of eligible projects: planning, preliminary engineering, design, right-of-way acquisition, construction/construction inspection are eligible for CMAQ funding. For example, studies that are part of the project development process (e.g., preliminary engineering) are eligible for CMAQ support.

4. Public-Private Partnerships (PPPs):

In a PPP, a private or non-profit entity's resources replace or supplement State or local funds and possibly a portion of the Federal-aid in a selected project. PPPs are a critical program element, given the growth of private sector involvement. When considering PPP as a part of a CMAQ project, legally binding, written agreements between the public agency and the private or non-profit entity must be in place before CMAQ-funded project implementation. These agreements:

- Must be developed under relevant Federal and State law;
- Specify the intended use for CMAQ funding;
- Describe the roles and responsibilities of the participating entities; and
- Address how the disposition of land, facilities, and equipment will be carried out should the original terms of the agreement be altered (e.g., due to insolvency, change in ownership, or other changes in the structure of the PPP).

Public funds should not be invested where a strong public benefit cannot be demonstrated. CMAQ funds should be devoted to PPPs that benefit the general public by clearly reducing emissions, not for financing marginal projects. Other statutory restrictions and special provisions on the use of CMAQ funds in PPPs include:

- Eligible costs under this section should not include costs to fund an obligation imposed on private sector or non-profit entities under the Clean Air Act or any other Federal law. However, if the private or non-profit entity clearly is exceeding its obligations under Federal law, CMAQ funds may be used for that incremental portion of the project.

Eligible non-monetary activities that satisfy the non-federal match requirements under the partnership provisions include the following:

- Ownership or operation of land, facilities, or other physical assets
- Construction or project management
- Other forms of participation approved by NYSDOT.

Sharing capital and operating project costs is a critical element of a successful public-private venture, particularly if the private entity is expected to realize profits as part of the joint venture. State and local officials are urged to consider a full range of cost-sharing options when developing a PPP, including a larger State/local match.

Appendix C: CMAQ Program Sponsor Eligibility, Requirements, and Project Evaluation Criteria

Costs and Other Regulatory Requirements

Projects must comply with all applicable Federal requirements, including those affecting determinations of eligible project costs. Refer to the Local Project Manual[6] for more information.

Part 3: Project Evaluation Criteria and Scoring Guidelines

Review Process: Candidate CMAQ projects will be evaluated on their ability to meet eligibility criteria and how well they rank in a data driven scoring process conducted by subject matter experts (NYSDOT and Non-NYSDOT). Recommendations will reflect the statutory geographic limitation of funds.

CMAQ Project Eligibility:

- The project has an eligible sponsor.
- The project is in one of the 19 eligible counties. (Albany, Chautauqua, Dutchess, Erie, Genesee, Greene, Jefferson, Livingston, Monroe, Montgomery, Niagara, Onondaga, Ontario, Orleans, Rensselaer, Saratoga, Schenectady, Schoharie, Wayne)
- The project fits into one of the eligible CMAQ funding categories.
- The project relates to surface transportation (not exclusively recreational).
- The project submission includes data for calculating the estimated emission benefits for targeted pollutants: carbon monoxide (CO), ozone precursors - nitrogen oxides (NO_x) and volatile organic compounds (VOC), fine particulate matter ($PM_{2.5}$), and particulate matter (PM_{10}).
- The project meets minimum/maximum funding request award criteria. (Minimum federal share is $500,000 and maximum federal share is $5 M.)
- The project has at least a 20% local match and a match provider is identified.
- The Sponsor must attend a TAP-CMAQ-CRP Informational Workshop.

Consideration will be given to projects for activities that support the Justice40 Initiative[7].

[6] Local Project Manual - https://www.dot.ny.gov/plafap
[7] Justice40 Initiative - https://www.transportation.gov/equity-Justice40

Appendix C: CMAQ Program Sponsor Eligibility, Requirements, and Project Evaluation Criteria

CMAQ Project Evaluation Criteria

Category	Evaluation Criteria	Available Points
Project Benefits	• Project benefits and proposed solutions • Improves Safety • Cost-effectiveness and partnerships	**15**
Project Alignment and Technical Benefits	• Alignment with CMAQ program and other surface transportation plans, projects and systems **<u>Congestion Mitigation</u>:** • How well the project reduces volume • How well the project improves travel time **<u>Emission Reduction</u>:** • Reductions in targeted pollutants • Cost effectiveness	**25**
Essential Project Management Elements	• Schedule • Budget • Right-of-way assurance • Match assurance and ability to deliver the project	**60**
	Total Points:	**100**
Sponsor submitted application for Pre-review	**Bonus Points:**	**5**
Project reviewed by a NYS Professional Engineer	**Bonus Points:**	**5**

Project Benefits (15 percent):

<u>Project Benefits and Proposed Solutions.</u>

This criterion focuses on the project's community/public benefit.

- The project addresses a surface transportation problem/need and the solution is clearly defined, well developed, comprehensive, and reasonable.
- The project contributes to community economic competitiveness (e.g. quality of life, access to business, jobs, education, public services).
- The project promotes community connectivity, revitalizes the community and/or can improve public health and safety.
- The project improves system efficiency, accessibility, modal connections, interconnectivity, awareness, and/or safety (e.g., reducing crash potential, providing new modal connections, improve awareness of modal options through education and outreach).
- The project has documented public and community support. (Support letters attached to application.)
- The project will be open and available to the public. If not, the restrictions need to be explained, be reasonable, and be allowable under federal aid funding regulations.

- The project (including outreach/education activities) clearly describes how it reduces emissions and/or provides congestion relief through one or more of these strategies: 1) reduces the number of SOVs, 2) reduces idling vehicles in traffic by improving traffic flow, including before and after speed improvements, 3) improves efficient modes (transit, rideshare, pedestrian or bicycle) or shifts users to lower emissions modes, 4) reduces fleet emissions by use of technology or operational practices.

Letters from individuals, resolutions, or other formal actions of support by groups are helpful to demonstrate support for the proposed project.

Improves Safety

- The project is a high priority for the community which will also reduce crashes, personal injuries, fatalities or addresses a high accident location.

Cost-Effectiveness and Partnerships

- The project includes unique characteristics, new approaches, or uses innovative techniques to enhance, modernize, and/or address the problem or efficient methodology of delivering the project. (e.g., Did the project use an innovative approach to arrive at a solution? Is the project a unique model for others?)
- The project includes cost-effective solutions and/or creative/innovative ways to deliver the project (e.g., use of donated materials; a unique or efficient delivery method such as using a county to deliver a town project).
- The project leverages other partnerships or fund sources (e.g., greater than 20% match; public private partnerships; leveraging other grant sources or partner participation).

Project Alignment (25 percent):

This criterion focuses on the project's alignment with CMAQ program goals and technical outcomes.

- The project is referenced in a regional, state or local plan such as a Comprehensive/ Master Plan, Corridor Plan, Scenic Byway Plan, Americans with Disabilities Act (ADA) Transition Plan, Metropolitan Planning Organization (MPO) Plan, Regional Economic Development Council (REDC), NYS Bicycle Routes, Smart Growth or Complete Streets. Identify plan in the project application.
- The project meets CMAQ program goals **of reducing congestion and improving air quality.**
- Do the congestion or air quality outcomes go beyond the technical to provide significant community or public health benefits?
- **Technical alignment benefits: congestion reduction/mitigation:** The project reduces volume and or improves travel time.
- **Technical alignment benefits: emissions reduction:** The project reduces targeted CO, ozone precursors NOx and/or VOC, $PM_{2.5}$, PM_{10} in the area and maximizes cost effectiveness ($/kg).

Essential Project Management Elements (60 percent):

This criterion considers project schedule, budget, status of right-of-way, match assurance and ability to deliver the project. The submission of project deliverables documentation allows for a better assessment of the current project status.

Project Schedule

- The schedule is realistic in relation to regulatory reviews (NEPA/SEQR, SHPO, etc.) Right-of-Way approvals, utility relocations, design approvals, advertising, letting and construction.
- The project is ready to be implemented:
    - Fully execute a State-Local Agreement (SLA);
    - Progress to construction letting (for capital infrastructure) or project implementation (for non-capital projects) within 24 months;
    - Reflect project activities within schedule.
- The capital project will be completed within 30 months of commencing construction.

The schedule should include all project phases, activities and milestones: Preliminary Design (including appropriate permitting requirements), Final Design, Consultant Selection, Right of Way Activities, Construction, Construction Inspection, etc. Scheduling considerations should include time to execute an SLA with NYSDOT, consultant selection, utility coordination/relocations, materials testing, advertising, letting, etc.

Project Budget

Project budget should reflect all costs associated with advancing the project in compliance with all state and federal requirements.

- The budget estimates are verifiable in relation to the scope and schedule for proposed completion.
- The budget reflects the project scope, including design, right-of-way, consultant services, activities/acquisition, regulatory reviews and permits, construction, construction inspection, etc.
- The budget identifies all cost considerations.

Right of Way (ROW Status)

- Identify status of right-of-way for proposed project: owned, leased, or need to be acquired.
- Proof of ROW ownership provided through surveys, highway record plans, or clearance certificates. Tax maps are not sufficient property boundary line documentation.
- If ROW acquisition (purchase/lease) is required:
    - Identify number of parcels;
    - Type of acquisition – purchase/lease; and
    - Temporary or permanent.
- Identify any railroad ROW involved with the project.
- Identify any potential utility conflicts.
- Reflect all ROW activities in the project schedule and budget.

Match Assurance and Ability to Deliver the Project

- The project match is assured by resolution or documented source (letter of intent, etc.).
- The Sponsor demonstrated effectiveness in using federal aid funds and delivering a federal aid project in the past five (5) years.
- The Sponsor demonstrates responsibility for all aspects of the approved project, including constructed facility future maintenance and operation.
- The proposed work is technically feasible and implementable.

A Sponsor's previous performance utilizing awarded federal transportation funds is also taken into consideration. Undertaking and completing federal aid projects on schedule, within budget, and in accordance with program rules and regulations will be considered.

Allowances may be made for a Sponsor's past poor performance on a previous federal aid project when: 1) the performance was due to circumstances beyond its control; or, 2) where Sponsor can demonstrate that it has corrected policies, procedures, **and** staffing that were deemed to have resulted in the poor performance; and 3) show successful completion of projects since that time.

Bonus Point Opportunity:

Bonus points are available if the project application includes:

- An Application Pre-Review Comment Form.
- A letter signed by a NYS Professional Engineer.

Submitting the project application for the optional pre-review process gives NYSDOT professionals an opportunity to provide project feedback and guidance prior to final project application submission. At a minimum, the following information should be uploaded in the application for Pre-Review:

- Project Scope
- Draft Budget
- Draft Schedule
- Anticipated ROW Needs (if any)
- Anticipated Utility Needs and Railroad Involvement (if any)

Pre-Review Applications submitted without sufficient information to review will not receive bonus points. Upload the Pre-Review Comment Form as part of the final Application.

Sponsors may continue to work on the application while NYSDOT is reviewing the project. Only submit your application in Grants Gateway when it is complete.

After the Application Pre-Review has been completed by the appropriate NYSDOT Region, written comments (see Appendix G for Pre-Review Comment form) will be emailed to the Sponsor. The completed **Application Pre-Review Comment Form must be uploaded** on the Pre-Submission Upload page in Grants Gateway and submitted with the final application **to receive bonus** points.

Appendix C: CMAQ Program Sponsor Eligibility, Requirements, and Project Evaluation Criteria

NOTE: *Requesting an Application Pre-Review is not an application submission. Applicants must complete and submit the application by the deadline in the Grants Gateway to be considered for funding.*

Bonus points may also be added to a project application score for including a NYS Professional Engineer signed letter that they have reviewed the project's application. The letter format is available on the TAP-CMAQ-CRP website. Upload the PE review letter as part of the final Application.